



TFU 1743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

April 19, 2006

In re application of : LAUGLIN, Robert M.
Serial No. : 10/045,229
Filed : November 9, 2001
Entitled : **GAS SAMPLE ANALYSIS
SYSTEM**
Examiner : Ludlow, Jan M.
Art Unit : 1743
Our File No. : 4633.3816

**APPLICANT'S REPLY TO THE EXAMINER'S
RESTRICTION REQUIREMENT**

Mail Stop Non-Fee Amendment
Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

The Examiner has required restriction to one of the following inventions under 35

U.S.C. 121:

- I. Claims 1, 3, 5-6, 8-11, drawn to an apparatus, classified in class 422, subclass 3.
- II. Claims 12, 14, 18-20, drawn to a method, classified in class 436, subclass 181.

The Examiner argues that the inventions are distinct from each other because of the following reasons:

Class 422 is entitled “chemical apparatus and process disinfecting, deodorizing, preserving or sterilizing.” Subclass 3 is described as “process disinfecting, preserving, deodorizing or sterilizing” and includes “a process control in response to analysis.”

Subclass 181 is entitled “Gaseous Sample or with Change of Physical State” and is under subclass 74 which states “Including sample preparation.” The broad class 436 is chemistry, analytical and immunological testing.

Applicant hereby traverses the Examiner’s request for a restriction requirement. It is applicant’s position that the inventions are not distinct and that the process as claimed and the apparatus as claimed clearly reflect one and the same invention. It is difficult to understand how the apparatus claim can be used to practice another material different process. Therefore, it is applicant’s position that the inventions are not independent nor distinct.

In reply to the Examiner’s Restriction Requirement, applicant hereby elects Group II, claims 12, 14, 18-20, drawn to a method, classified in class 436, subclass 181 for prosecution. Applicant’s election is made with traverse.

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Serial No.: 10/045,229

Page 3

If there are any additional charges, including extension of time, please bill
our Deposit Account No. 13-1130.

Respectfully submitted,

A handwritten signature in cursive script, reading "Barry L. Haley". The signature is written in dark ink and is positioned above a horizontal line.

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Serial Number: 10/045,229

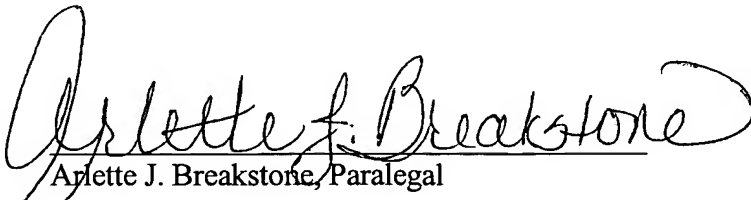
File Number: 4633.3816

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the following correspondence: Applicant's Reply to the Examiner's Restriction Requirement; and a Return Postcard for confirmation of receipt is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on this 19th day of April, 2006.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code.

Any additional charges, including extension of time, please bill our Account No. 13-1130.


Arlette J. Breakstone, Paralegal

Date: April 19, 2006

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